



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND
THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY BOARD
AND THE DOWNTOWN FOUNDATION BOARD**

MONDAY, AUGUST 11, 2004

The regular meeting of the City Council, also sitting as the Redevelopment Agency and the Downtown Foundation Board, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on August 11, 2004 at 3:06 p.m.

ROLL CALL:

Present: Council Member/RDA Board Member, Downtown Foundation Members Marchand, England, Mayor Pro Tem/RDA Board Member, Downtown Foundation Member Pettis, Mayor/RDA Chairman Stettler

Absent: Council Member/RDA Board Member, Downtown Foundation Member DeRosa

Council Member Marchand moved to excuse Council Member DeRosa, motion seconded by Council Member England, motion carried 4-0.

Note: Council Member/RDA Board Member, Downtown Foundation Member DeRosa arrived at 3:12 p.m.

The Regular meeting began at 6:45 p.m. and was opened by Mayor Stettler. Mayor Pro Tem Pettis led the invocation, followed by the Flag Salute led by Council Member Marchand.

CLOSE SESSION AGENDA:

Council Member Marchand moved to add one item of threatened litigation to the Closed Session Agenda, motion seconded by Council Member England, motion carried 5-0

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)
Number of Potential Cases: **2**
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Firefighters Association (CCFFA); 2) Cathedral City Police Officers' Association (CCPOA); and 3) Cathedral City Public Safety Management Association

(CCPSMA);

3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California
Case No. EDCV 02-965
4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (a):
Case Name: C. Robinson, J. Williams. D. Pascual, M. Holcomb vs. Sharon Stephens.
Case No.: INC 043437, Riverside County Superior Court, Indio, California
5. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive
Case No.: United States District Court, Central District of California
Case No. CV 04 02931 (VBKx)[Class Action] Complaint for Damages and Injunctive Relief Demand for Jury Trial
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Keith Scott**)
Property Location: Area of land northwest of the east Cathedral Canyon Storm Channel, north of D Street, east of Van Fleet Avenue, south of east Palm Canyon Drive and west of the Date Palm Drive extension
Negotiating Parties: Redevelopment Agency and City Urban Revitalization Corporation
Property Owner: Redevelopment Agency
Under Negotiation: Disposition of property
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Keith Scott**)
Property Location: 68307 East Palm Canyon Drive-Heilig Meyers Building

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Negotiating Parties: Redevelopment Agency and Development Management Group, Brittany West and Resort Destinations Group Property Owner
Redevelopment Agency

Under Negotiation: Disposition of property

8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Warren Bradshaw**)

Property Location: All areas included in the Downtown Specific Plan
APN#s 687-197-005, 687-197-006, 687-197-007, 687-197-016, 687-201-011, 687-201-012, 687-204-008, 687-204-009, 687-204-013, 687-204-014, 687-213-003, 687-213-004, 687-213-016, 687-221-005, 687-221-006

Negotiating Parties: Redevelopment Agency and Property Owners

Property Owner: Lola B. Moore, Roger Smith, Rick M. Holtz, Patricia Gammill, Ruben Rosales, Gershwin M. Haltman, Thomas G. Matros and Sam Stickles.

Under Negotiation: Property Negotiation

CLOSED SESSION ANNOUNCEMENTS:

Deputy City Attorney Green announced that there was one reportable item out of closed session, by a motion of Council Member Marchand, seconded by Council Member England, and carried 5-0, the Council approved Staffing City Urban Revitalization Corporation.

PUBLIC COMMENTS:

Mayor Stettler opened the floor to Public comments on anything that is not on tonight's Agenda.

Bill Cohen – Cathedral City. One of the COP volunteers, Al Reshaw Jr., is the son of Lieutenant Al Reshaw of our Police Department. He was seriously injured in a traffic accident in San Diego, being hit by a driver of a stolen car. The COP's are arranging a blood drive, date not yet determined, please plan to donate, call Mr. Cohen at 321-0148 for more details.

Vernon Judy – Cathedral City. Mr. Judy addressed the City Council with comments about shade structures and his need for his shade structure. He requested City Council approve a code and get it on the books so he can be in compliance with that code and satisfy Code Enforcement. They only give you 10 days and he needs his shade structure. He then handed the Clerk a 16 page document that contained copies of a proposed Code for shade structures, copies of various correspondence and pictures, all related to Code Enforcement for shade structures. The copies will be distributed to all Council and all necessary staff.

Denise DeGross – Cathedral City. Ms. DeGross wanted to thank Mayor Pro Tem Pettis for his time and effort in trying to help with worker issues. She has lived and worked in the Coachella Valley. She has worked at the Agua Caliente Casino since it opened and must work in a smoking environment. Within three years she developed an asthmatic condition, and has been denied a smoke free environment.

Graciela Ramirez Hueso – Palm Springs. (There was a lady by the name of Sarah interpreting Ms. Hueso's remarks, which were in Spanish). Ms. Hueso stated she had three children and was Grandma to three grandchildren. She has been working in the valley for 16 years. She has a job at the Spa Casion cleaning rooms for three years, and in the laundry for two years. Both of her daughters work for the tribe. They have to use Healthy Families for Insurance, and live in low income apartments. She feels it is unfair that the tribe doesn't give employees Health Insurance.

Robert Marchand – Cathedral City. Mr. Marchand is the Chair of the Public Arts Commission and their next concert will be in Council Chambers on Thursday September 30th at 7:00 p.m. This is chamber music.

Shilo Herrling – Cathedral City, Chair of the Hermosillo Neighborhood Watch. He sent a letter of appreciation to the City Manager and the Deputy City Manager for the help given him by our employee, Robert Rodriguez. Also he has the Graffiti Hotline stored on his cell phone so he can call in with concerns as he sees things in the neighborhood. They now have 40 homes participating in the neighborhood watch.

Chuck Vasquez – Cathedral City. He is Co-Chair of the 35th Avenue Neighborhood Watch. He advise that he had attended a meeting with Rancho Mirage with regard to the stop sign on Plumley on September 2nd. Rancho Mirage Council will receive the item at the next meeting. There is still some info needed by Rancho Mirage and we need to move this forward.

Hearing no one else wishing to speak, Mayor Stettler closed Public Comments.

AGENDA FINALIZATION:

Items 10, 12, and 13 will be moved to the Consent Agenda, Item 14 will be moved to the top of the Legislative Actions and will be heard prior to Item 9.

COUNCIL COMMENTS:

Council Member DeRosa wanted thank both Council Members Gerber and Seeman with regards to the stop sign on Plumley, this will slow down traffic on Plumley. She noted that she had joined the COP's in January. She now wears a uniform and rides in a Patrol Car and encourages everyone to join the COP's, even if you can only volunteer four hours a month.

Council Member Marchand spent a little time explaining West Nile Virus. He serves as our representative to the Coachella Valley Mosquito Vector Control Board. He gave some statistics about the 650 species of mosquito, and that only 16 carry the West Nile Virus. They are not planning to spray in the city, maybe in the east county. You should wear long pants and sleeves, mosquito's are active at dusk and dawn.

Mayor Stettler spoke about the IMAX having led the world in improved attendance for the first five months of this year. He encouraged support of the theater.

MINUTES:

Mayor Stettler called for approval of the Minutes from the Special City Council/RDA Board meeting held on June 30, 2004 and the Regular Adjourned City Council/RDA Board Meeting held on July 26, 2004. Council Member Marchand moved approval both sets of minutes, with the corrections distributed earlier on the June 30th minutes, motion seconded by Council Member England, motion carried 5-0.

PRESENTATIONS AND PROCLAMATIONS:

Lin Juniper, Regional Manager Public Affairs for Southern California Edison addressed the City Council about a SCE power outage. She was here with Mr. John Valdez to explain what happens when you have a blackout and what efforts are taken to restore service in the most efficient manner. She advised it was appropriate we address this subject when we are having a record 20,500 Mw draw on power. ISO and SCE are encouraging conservation of electric. Our two power failures were on July 29 and July 31. She then introduced Mr. Valdez, who is the supervisor of maintenance, and he in turn explained at length what happens when a transformer blows and what steps have to be taken to get the power back on. Maintenance is a 24/7 job but things do happen. We should be prepared for an outage, having a flashlight and battery operated radio. You should call SCE at 1-800-611-1911 to report a power outage, and they will have all information about an outage. You will be advised to turn off all power not in use.

CONSENT AGENDA

Council Member/RDA Board Member Marchand moved approval of the items on the Consent Agenda, Motion seconded by Council Member/RDA Board Member England, motion carried 5-0.

1. Authorized street plan check services for the 35th Avenue Assessment District **by Minute Order # 3748.**
2. Adopted proposed ordinances of the City Council for the City of Cathedral City and the Redevelopment Agency amending the Municipal Code relative to the collection of transient occupancy taxes by the City and establishing authority for the agency to levy a transient occupancy tax in a specific project area **by Minute Order #R-1000, and Ordinance No. 594 and No. 595.**
3. Adopted ordinance of the City Council for the City of Cathedral City, amending Chapter 3.12 "Purchases" of the Cathedral City Municipal Code to ensure compliance with federal procurement guidelines when awarding sub-grants or contracts stemming from federal grants or cooperative agreements **by Ordinance No. 596.**
4. Appointed Mayor Stettler as Voting Delegate, and Mayor Pro Tem Pettis as the alternate for the 2004 League of California Cities Conference to be held in Long Beach September 17 – September 19, 2004 **by Minute Order # 3749.**

5. Approved proposed resolution of the City Council for the City of Cathedral City, ratifying the City of Cathedral City Transportation Commission recommendation, designating an all-way stop intersection at Baristo and Avenida La Paloma **by Resolution No. 2004-82.**
6. Approved a Memorandum of Understanding (MOU) with the Cathedral City Fire Fighters Association **by Minute Order # 3750.**
10. Adopted Proposed resolution of the City Council for the City of Cathedral City, amending street vacation No. 99-1 regarding Felicity Place, Serenity Road, Placid Place, Tranquil Place, Harmony Place, and Halcyon Lane (Lots G, H, I, J, K and L) in tract No. 28395, commonly known as "Serenity Cove", locates south of Converse Road and west of Plumley Road **by Resolution No. 2004-85.**
12. Authorized staff to execute amendment No. 1 to the professional services agreement with Ralph E. Hitchcock & Associates to provide on-going utility underground conversion support and related services for the BCN 20A, Phase 1, underground project **by Minute Order #3753..**
13. Authorized staff to execute amendment No. 1 to the professional services agreement with HDR Engineering Inc., to provide construction support services for the Date Palm Drive Overhead Project **by Minute Order #3754.**

PUBLIC HEARINGS

7. Request for approval of Tentative Tract Map 32559: A request to subdivide 12.36 gross acres into 71 residential lots located east of Rio Guadalupe Road, south and west of Rio Madre Drive, and north of Rio Largo Road in the Rio Vista Village Specific Plan.

There was a brief report by Julie Baumer, Deputy City Manager.

Mayor Stettler opened the floor to Public Comments.

Gary Werner from World Development was here to answer any questions on this item or on Item 8.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

Council Member DeRosa moved approval, motion seconded by Council Member Paul Marchand, motion carried 5-0 **by Resolution No. 2004-83.**

8. Request for approval of Tentative Tract Map 32560: A request to subdivide 8.62 gross acres into 66 residential lots located north of Rio Rosalia Drive between Rio Guadalupe and Avenida Quintana in the Rio Vista Village.

There was a brief report by Julie Baumer, Deputy City Manager.

Mayor Stettler opened the floor to Public Comments.

Again Mr. Werner was available for questions.

Hearing no one wishing to speak, Mayor Stettler closed Public Comments.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 5-0 **by Resolution No. 2004-84.**

LEGISLATIVE ACTION(S)

14. Proposed ordinance of the City Council for the City of Cathedral City, amending the Cathedral City Municipal Code to repeal Chapter 8.36 Swimming Pools

Certain residents objected to the requirements in 8.36 of Municipal Code. There was a lengthy explanation and report by Deputy City Attorney Kendall Berkey with regard to covering and/or protecting swimming pools. The City has been asked to repeal the code and let the State Code be used.

Council Member Marchand advised the the State of California Building Code has four safety devices in the Code. Council Members England and DeRosa wanted to know, if there are four safety devices in the Code, who gets to made the decision about which one is to be used. The answer to this question, according to Deputy City Attorney Green, was that the Building Inspector does.

Mayor Stettler opened the floor to Public Comments.

All of the following Cathedral City residents were in favor of repealing the Municipal Code 8.36. Some of them live in Desert Princess Country Club and others just wanted to support their neighbors.

Steve Schneider, Delores Gero, Joann Matroga, Teri Olivia, Sonja Marchand, Joe Valesquez, Shilllo Heerling.

Bill Proctor – Cathedral City advised that there was a separate ordinance for the individual homeowner.

Mayor Stettler, seeing no one else wishing to speak, closed Public Comments.

Council Member DeRosa advised this was Resort Residential and not Single Family.

Council Member England moved to repeal 8.6 of the Municipal Code, motion seconded by Council Member DeRosa, motion carried 5-0 **by Minute Order # 3755.**

9. That the Agency Board approve the proposed Memorandum of Understanding with Tri-Millennium Development for the property boundaries described as east of Van Fleet, north of the Cathedral Canyon Wash, west of Date Palm Drive and north of east Palm Canyon Drive for what is otherwise referred to as Phase III or the east side development area.

There was a report given by Charlene Sumpter, Redevelopment Project Manager.

Council Member DeRosa had some question of BiJan Shahmoradi of Tri-Millennium. When he came forward the Council Member asked about the history of Tri-Millennium and requested that he recap his commercial experience, wherein he described a lengthy list of shopping, retail, and other commercial development. He advised that in the early 90's they had switched to residential development and had built 50 houses in Pacific Palisades, and multiple condominiums. She asked him to clarify who the PNM company was, and he responded it was Paul, Nancy, and Mary and they were his brother-in-law, his brother-in-laws wife and his sister. She asked about the SY Corporation, and he explained about the relationship of Tri-Millennium and the SY Corporation, that this company was holder of the land, both for a medical building in San Clemente 15 acres, and 60 acres of land in Roseville were they were going to build a business park. but have decided to allow the business park permit to expire, and instead try to get the land rezoned and make it mixed use.

Mayor Stettler opened the floor for Public Comment.

Don Ballard – Palm Desert. He has lived in Palm Desert 40 years. Mr. Ballard partner is Howard Margulis. "We have chosen Cathedral City in which to build and for four years we have been buying property and leasing property." "We have 7.5 acres for Plaza de Oro and we have been working with staff developing a golf course, we need just one more permit. We have invested a lot of money, and we are watching Tri-Millennium, and they are behind with the 20,000 square foot, Phase I, also they have Phase II, with more commercial – what will downtown look like in two or three years?" "I would like to develop Phase III, we want to bid. You gave phase I and II without competition. We'll come back, with a 90 day MOU, with a project." "I've come here five times and you are giving exclusive right to Tri-Millennium- we want to compete".

Bill Proctor – Cathedral City. When is the first phase suppose to open, first it was March, then July, then September. Will it be done by December? I don't think Tri-Millennium deserve this MOU, even if they give all the campaign money in City

Nancy Alvarez – Cathedral City. She stated she was very active in the community, and was "around when Tri-Millennium came to town". Tri-Millennium is very positive and making progress. She watched IMAX and

The Pickford not open on time and fail. She urges Council to take the time for the project.

Mayor Stettler, seeing no one else wishing to speak, closed Public Comments.

Council Member England said the truth was that the blame was being laid at the feet of Tri-Millennium, he wants the buildings up and occupied too, but we are short staffed here in City Hall. This blame is not all on Tri-Millennium, we have slowed things up, this process takes time. Tri-Millennium is looking globally, it is not a campaign thing, it is not about that.

Mayor Pro Tem Pettis said we are without a Chief Building Officer, Chief Planner, and a Chief of Re-Development. We have been at this for 10 years, know all developers want to make sure that it looks like what we want.

Council Member DeRosa wished that this had gone out to RFP, again this MOU has some contingencies built in, however, she has some reservations.

Council Member Marchand said that two years ago when Tri Millennium made their presentation a lot of people spoke in favor. Tri-Millennium came to us, I appreciate local voices at a certain point we need to go to the professionals – we are at a place to keep faith. This is not about personalities, or campaigns. If Tri-Millennium drops the ball, this MOU goes away. Honor our undertakings, we must keep faith.

Mayor Stettler said he was not quite sure how to approach this. He almost feels that he should apologize, when we were desperate for ANY developer, Tri-Millennium came and wanted to build our downtown. They have built quality construction. He is disappointed in the questions.

Council Member/RDA Board Member Marchand moved approval of a 9 month MOU in lieu of a 12 month MOU, motion seconded by Council Member/RDA Board Member England, motion carried 5-0 **by Minute Order # 3751, and Minute Order # R1001.**

11. Award of a construction contract to Moore Electric of Corona in the Amount of \$131,353.00 for the modification of the Gerald Ford Drive/Plumley Road Traffic Signal, and authorizing staff to include up to an additional standard 10% contract contingencies.

Mayor Stettler said the report was complete and did anyone have questions?

Hearing none from Council, Public Comments were opened and closed without comment.

Council Member England moved approval of the contract, motion seconded by Council Marchand, motion carried 5-0 **by Minute Order # 3752.**

ADJOURNMENT

Hearing no further business to come before the Council, Council Member Marchand moved to adjourn the meeting tonight in memory of the 37 Marines and Navy personnel from 29 Palms who have given their lives in service to their country. Meeting adjourned with no objection at 9:35 p.m.

Pat Hammers
City Clerk